STATE OF ILLINOIS DEPARTMENT OF HUMAN RIGHTS

FOR FISCAL YEAR 1983

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STATE OF ILLINOIS

Department of Human Rights

32 West Randolph Street, Civic Tower, Suite 900 Chicago, Illinois 60601 312/793-6490

James R. Thompson Governor

Joyce E. Tucker Director

To the Honorable James R. Thompson Governor of Illinois, and the Honorable Members of the General Assembly

In accordance with Section 25 of the Civil Administrative Code, I am pleased to submit this report of the fiscal and program activities of the Illinois Department of Human Rights for Fiscal Year 1983.

> Jayce E. Dueles Joyce E. Tucker Director

December 1983 Chicago, Illinois



Joyce E. Tucker Director

MESSAGE FROM THE DIRECTOR

The economic downturns of 1982 placed considerable demands on the Department's resources to promptly process charges of discrimination in FY'83. Contractions in the State workforce were reflected in the 23 percent increase in employment charges filed over the previous year and the overall 26 percent increase in charges filed in all jurisdictions.

This acceleration in filings, coupled with the State's economic picture requiring a hiring freeze and other austerity measures, taxed the Department's ability to respond.

The picture brightened in December 1982, when the Department negotiated a grant from the U.S. Equal Employment Opportunity Commission for a \$275,000 special inventory reduction project. With these additional resources, the Department was able to augment its investigative staff. An aggressive action plan implemented in February 1983, helped the Department regain control over its caseload so that by year's end, it realized only a slight decrease in completed investigations over the prior year.

The bleak economic picture led the Department to closely examine its enforcement responsibilities. The EEO/AA status of Illinois public contractors was studied to ensure that a shrinking economy did not curtail compliance with EEO/AA obligations. In order that a shrinking state government workforce not erode EEO/AA progress, layoffs and decreased state agency hiring activity were reviewed to guard against any adverse impact on minorities, women and the handicapped.

In 1984, with indications of a recovering economy, the Department anticipates committing its resources towards expanding systemic efforts in alleviating discrimination; securing federal funds to increase the Department's capacity for investigating housing charges; studying the EEO/AA compliance profiles of state executive agencies, targeting the ten largest agencies that employ approximately half of the state workforce; and aggressively using Department authority to initiate charges of discrimination in its own behalf.

ABOUT THE DEPARTMENT OF HUMAN RIGHTS

The Illinois Department of Human Rights is the civil rights enforcement agency for the State of Illinois with responsibility for enforcing the 1980 Illinois Human Rights Act.

The major responsibilities of the Department are to:

Receive or initiate, and investigate charges of illegal discrimination in the areas of employment, housing, financial credit and public accommodations.

Promulgate interpretative rules and regulations.

Monitor the equal employment opportunity/affirmative action compliance of executive State agencies and Illinois public contractors.

Provide a program of community relations and education.

DEPARTMENT JURISDICTIONS

The Illinois Department of Human Rights enforces the Illinois Human Rights Act which became law on July 1, 1980. The law prohibits discrimination in the areas of employment, housing, financial credit and public accommodations on the basis of RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, ANCESTRY, AGE between 40 and 70, MARITAL STATUS, UNFAVORABLE MILITARY DISCHARGE AND PHYSICAL OR MENTAL HANDICAP.

Employment:

Illinois workers are protected from discrimination in all conditions and terms of employment including recruitment, selection, promotion, transfer, pay, tenure, discipline, discharge and privileges.

The law applies to:

All Illinois employers of 15 or more employees, labor organizations and public and private employment agencies.

State or other governmental units without regard to the number of employees.

Employers of one or more employees in charges alleging mental or physical handicap discrimination. Illinois public contractors without regard to the number of employees.

Housing: .

Discrimination in the sale or rental of housing is prohibited. The law applies to an owner or any other person engaging in a real estate transaction, and to real estate brokers and salespersons, licensed or unlicensed.

The Act further prohibits discrimination in the rental of housing against families with children under the age of fourteen or against blind or hearing impaired persons who keep or use guide dogs.

Financial Credit:

Discrimination in the granting of, withholding of financial credit, or in the fixing of rates, standards, terms or conditions, or consideration of dependable income in connection therewith is prohibited. Both mortgage and personal loans are covered.

The law applies to the lending practices of financial institutions doing business in the State of Illinois, including banks, savings and loans, insurance companies and credit card or charge card issuers.

Place of Public Accommodation:

Discrimination is prohibited in any place of public accommodation, i.e., any business, accommodation, refreshment, entertainment, recreation or transportation facility, licensed or not, whose goods, services, facilities and privileges are extended, offered, sold, or otherwise made available to the general public.

In addition, State and local public officials are required to provide equal enjoyment, advantages, facilities or privileges of their offices and services.

Sexual Harassment in Higher Education:

A new jurisdiction, Sexual Harassment in Higher Education, becomes prohibited under the Illinois Human Rights Act effective January 1, 1984. College students of both private and public institutions will be protected from sexual harassment by teachers and administrators. It includes provisions for students to formally file charges of sexual harassment in higher eduction with the Illinois Department of Human Rights.

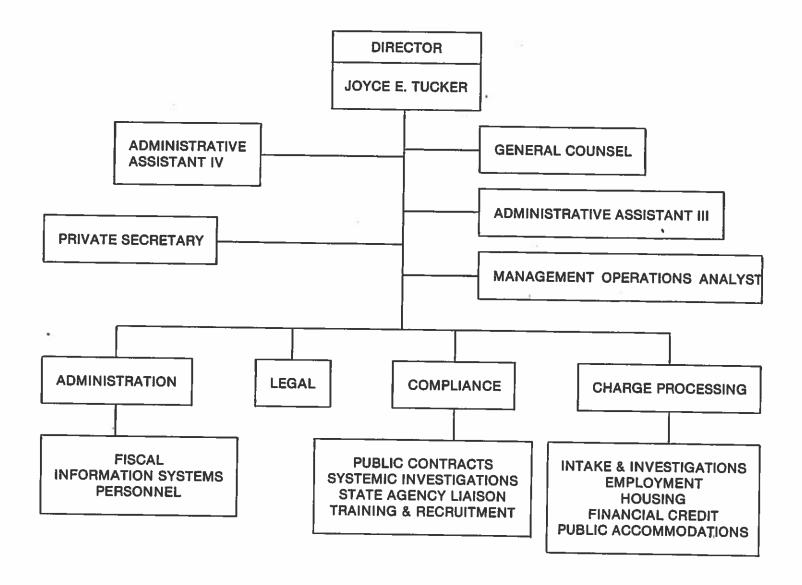
ILLINOIS DEPARTMENT OF HUMAN RIGHTS

BASIS

I. AREAS OF JURISDICTION

	Employment	Housing	Financial Credit	Public Accommodations
Race				=
Color		ō		
Religion				
Sex				
National Origin				
Ancestry		10		
- Age (40 - 70)				•
Marital Status				
Unfavorable Military Discharge				_
Physical/Mental Handicap				
Persons with Children under 14				

DEPARTMENT OF HUMAN RIGHTS



ADMINISTRATIVE DIVISION

The Administrative Division provides administrative support for Department operations, develops and administers management controls, prepares the Department's annual state and federal budgets, operates the computerized information system and provides public information and community relations activities.

Approximately eighty-two percent of fiscal year 1983 funding came from state general revenue funds; the remainder from federal funding through the Equal Employment Opportunity Commission.

II. BUDGET REVIEW

	*	FISCAL YEAR	
Budget	1981	1982	1983
State	\$2,664.6	\$2,597.4	\$2,877.1
Federal	834.9	858.0	640.5
Total	\$3,499.5	\$3,455.4	\$3,517.6
Expenditures			
State	\$2,226.9	\$2,488.5	\$2,541.0
Federal	737.9	448.8	<u>484.5</u>
Total	\$2,964.8	\$2,937.3	\$3,025.5

FISCAL YEAR 1983 FEDERAL APPROPRIATIONS AND CONTRACTS 111.

EEOC Age Contract	\$	78,750
EEOC Backlog Contract		96,500*
EEOC New Charge Contract		378,338
EEOC Inventory Reduction Contract	_	197,363
Total Federal		750,951
Total State	;	2,877,100
Combined Total	\$	3,628,051

^{*} Represents the total amount of an eighteen month contract for the period October 1, 1981 to March 31, 1983.

IV. ILLINOIS DEPARTMENT OF HUMAN RIGHTS DIVISION FUNDING (\$ thousands)

Total Resources:	1981	1982	1983
Divisions: Administration	\$3,550.4 880.4	\$3,455.4 813.9	\$3,517.6 927.1
Charge Processing	1,901.3	1,942.9	2,016.8
Community Relations	149.0	144.3	-0- *
Compliance	619.7	553.3	573.6

^{*} The Community Relations Division was eliminated at the start of FY'83. Activities were integrated as a support function within the Administrative Division.

V. FINANCIAL REPORT FOR PERIOD BEGINNING JULY 1, 1982 AND ENDING JUNE 30, 1983

Appropriation Item	Total Appropriation	Total Expenditures
Personal Services	\$2,360,024.00	\$2,084,633.03
Retirement	104,042.41	98,946.85
Social Security	158,211.00	139,175.85
Group Insurance	20,673.00	14,551.15
Contractual Services	503,826.44	430,498.05
Travel	86,600.00	86,034.69
Commodities	24,200.00	18,024.01
Printing	21,577,56	21,382.32
Equipment	30,196.00	29,654.48
EDP	-0-	-0-
Telecommunications	109,288.00	102,290.09
Operation Auto. Equipment	1,000.00	255.46
TOTAL	\$3,419,638.41	\$3,025,445.98

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

VI. INCOME & EXPENDITURE STATEMENT FY'83

(Rounded to Nearest 1,000)

INCOME	General Revenue Funds	Federal
Appropriations Reserve	\$2,877.1 97.9	\$640.5*
Availability for Expenditure	2,779.2	571.1 **
EXPENDITURES:		
Salaries	1,772.7	312.0
Fringe Benefits	· · · · · · ·	. 52.8
Contractual Services:	387.9	42.8
Rental Real Property	229.5	33.0
Registration and Conference	11.8	1.5
Rental Office Equipment Rental Motor Vehicle	36.0 5.2	4.2 -0-
· · · · · · · · · · · · · · · · · · ·	5.2 17.2	-0- .7
Repair and Maintenance Statistical and Tabulating	26.5	.0
Freight, Express and Drayage	2.6	.1
Professional and Artistic Service	11.6	.0
Electricity	14.5	.0
Postage	19.8	.8
Subscription and Information Service	5.0	.0 9
Copy Photographic and Printing	2.3	.9 .2
Contractual Services Miscellaneous	5.9	1.4
Travel Cost	623.0	23.7
Commodities	14.3	3.8
Printing	9.9	11.5
Equipment	23.8	5.9
Telecommunications	70.2	32.3
Total Expenditures	2,541.0	484.5
Lapsed Appropriation	238.2	86.6
Plus Reserve	97.9	-0-
Total Lapse	336.1	86.6 * *

^{*} A hiring and spending freeze imposed on all State agencies accounts for approximately 89.3% of the lapse.

^{**} Total Federal funds appropriated by General Assembly, but due to modification of contract, actual funds received totaled 571.2, of which 100.1 was a carry-over from the FY-82 contract.

PERSONNEL VII. END-OF-YEAR HEADCOUNT

		Fiscal Year	
Division	1981	1982	1983
Administration	18	18	17
Charge Processing	85	63	81
Community Relations	4	5	0
Compliance	<u>19</u>	20	_20
	126	106	118 '

VIII. JURISDICTIONS OF MUNICIPAL HUMAN RIGHTS AGENCIES PARTICIPATING IN WORKSHARING AGREEMENTS WITH THE DEPARTMENT OF HUMAN RIGHTS

Ordinance Covers Equal Opportunity In:	 Bloomington	Danville	Elgin	Oak Park	Urbana
Employment	X	**	Х	NA	X
Housing Credit Transactions	X	Х	Х	X*	
Access to Public Accommodations	X	Х		NA NA	
Access to Municipal Government Services Other	^	^		IVA	
Ordinance Coverages Include:					
Race	Х	X	X	NA	Х
Color	X	X	X	NA	X
Creed			X	NA	X
Religion	X	X	X	NA	X
Ancestry/National Origin	XX	XX	Х	NA	XX
Sex	Х	X	X	NA	X
Marital Status		X	X	NA	X X
Age	X	X	Χ	NA	X
Physical Handicap	X		X	NA	Х
Mental Handicap	X		X	NA	X
Unfavorable Military Discharge				NA	
Arrest Record				NA	X
Personal Appearance				NA	Х
Sexual Preference				NA	X
Other (Place of Birth)		X	Х	NA	

^{*} The Oak Park agreement covers housing only, even though the Oak Park ordinance covers other civil rights areas.

^{**} Applies to City Contractors only.

CHARGE PROCESSING DIVISION

The Charge Processing Division receives, investigates and resolves charges of discrimination in employment, housing, financial credit and places of public accommodation and access to government services. Charges are handled in both the Chicago and Springfield Offices and can be initiated by writing, phoning or visiting the Department.

In employment, charges are also filed with the Federal Equal Employment Opportunity Commission if they are based on race, color, religion, sex or national origin, the jurisdictions covered by Title VII of the Civil Rights Act of 1964, as amended, or on age under the Age Discrimination in Employment Act of 1967, as amended.

Individuals who prevail on a charge may be awarded specific relief which may include attorney fees, job reinstatement, promotion and back pay, the opportunity to buy or rent a particular house or apartment in a housing charge, granting of a loan in a financial credit charge or gaining access to a place of public accommodation.

Increase In Discrimination Charges

There were significant differences in the number and nature of discrimination charges filed with the Department during the fiscal year which ended June 30, 1983. Figures for fiscal year 1983, indicate that the number of discrimination charges filed was up nearly 24 percent over the previous year, with age employment discrimination charges showing the most dramatic increase-up 119 percent over fiscal year 1982. Since July 1, 1980, when the age discrimination prohibition became law with the enactment of the Human Rights Act, there has been a 255 percent increase in this type of charge.

In the area of housing, the Department experienced nearly a 57 percent increase in the number of housing discrimination charges filed in fiscal year 1983. Charges alleging race discrimination comprised 47 percent of the housing charges filed. While charges alleging exclusion of children have remained the second largest category, they decreased in their overall percentage from 38 percent in fiscal year 1982 to 34 percent in fiscal year 1983.

Investigations Staff Nearly Doubles:

The Department's investigations staff nearly doubled from October 1982 to the end of the fiscal year. In October 1982, the Department had eighteen investigators compared to the thirty-two investigators on board at the end of June 1983. Nine investigators, in addition to an investigation's supervisor and investigations secretary, were hired as a result of the \$273,956 inventory reduction contract awarded to the Department in December 1982 by the federal Equal Employment Opportunity Commission. The Department's inventory reduction action plan, installed in February 1983, enabled the Department to regain control over its caseload and avoid the build up of a costly backlog of discrimination charges.

LEGAL DIVISION

Cooperation with Municipal Human Rights Agencies:

In fiscal year 1983, the Department's Legal Unit moved to implement the regulations adopted in fiscal year 1982 governing cooperative worksharing agreements with municipal human rights agencies. The regulations were adopted pursuant to Section 7–108 of the Human Rights Act, 6 Illinois Register 2125, and prescribe the procedures whereby charges of discrimination may be transferred or coordinated between the Department and a municipal agency.

In FY'83, the Department completed the paperwork and documentation called for in the regulations. The agreement will be implemented in fiscal year 84. The following chart summarizes the areas of jurisdiction and the protected classes under the ordinances of the five municipal agencies involved in the worksharing agreements.

IX. SUMMARY OF LEGAL UNIT ACTIVITY

Fiscal Year 1983

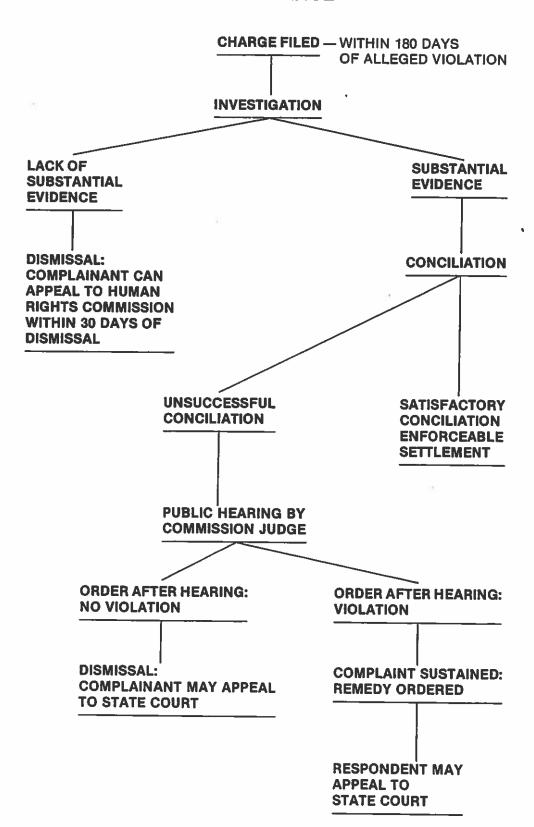
ı.	Complaints Filed	272
li.	Responses to Requests for Review *1) Vacates at Department Request *2) (26 Failure to Proceed Vacates)	330 84
	*3) Remands	54
Ш.	Settlements during Conciliation	21
IV.	Notices of Dismissal (November 82 - June 83)	679
٧.	Investigation Reports reviewed (March 83 — June 83)	390

- *1) Department requests Commission to vacate dismissal usually to alter finding after additional information has been revealed, or to secure additional investigations.
- *2) Department requests vacating dismissal because of failure to proceed when Complainant shows valid cause why s/he did not proceed previously and a strong intent to now proceed.
- *3) Commission sends cases to Department for additional investigation or for alteration of finding.

X. SETTLEMENTS MONETARY AWARDS FOR FISCAL YEAR 1983

	Number of	
Stage at which agreement signed	Settlements	Amount
Charge Processing Investigations	337	\$1,005,755
Legal Conciliation	_29	44,796
Total	366	\$1,050,551

XI. THE CHARGE PROCESS AT A GLANCE



STATISTICAL TABLES AND CHARTS

The data in the following charts and tables are derived from output statistics generated by the Department's Case Management Information System and are based on computer input information submitted by Department staff.

XII. CHARGES DOCKETED AND DISPOSITION OF COMPLETED INVESTIGATIONS

FISCAL YEARS 1981-1983

F	Y-81	F	Y-82		FY-83	
2	0,575	1!	5,441		18,171	
keted 2,432		2,646			3,331	
2,064		2,195		•	2,176	
221 538 345 46 758	10.7% 26.1% 16.7% 2.2% 36.7%	206 555 320 75 877	9.4% 25.3% 14.5% 3.4% 40.0%	220 468 351 64 810	(10.1%) (21.5%) (16.1%) (2.9%) (37.2%) (12.0%)	
	221 538 345 46	2,064 221	20,575 15 2,432 2 2,064 2 21 10.7% 206 538 26.1% 555 345 16.7% 320 46 2.2% 75 758 36.7% 877	20,575 15,441 2,432 2,646 2,064 2,195 221 10.7% 206 9.4% 538 26.1% 555 25.3% 345 16.7% 320 14.5% 46 2.2% 75 3.4% 758 36.7% 877 40.0%	20,575 15,441 2,432 2,646 2,064 2,195 221 10.7% 206 9.4% 220 538 26.1% 555 25.3% 468 345 16.7% 320 14.5% 351 46 2.2% 75 3.4% 64 758 36.7% 877 40.0% 810	

^{*} In FY-81 and 82, "Inquiries Received" applied to employment only. In FY-83, inquiries were kept concerning all jurisdictions.

There were also eighty-one charges dismissed out of intake as "failure to proceed" in FY-82. These were not counted as completed investigations in FY-82.

EMPLOYMENT JURISDICTION XIII. REVIEW OF CHARGES DOCKETED

l.	Number	FY-81	FY-82	FY-83
	Average #/month	197	206	262.5
	Average #/week	45	. 48	60.5
	Average #/day	9	10	12
	Total # docketed	2,367	2,480	3,510

II. Basis		FY-81		FY-	-82	FY-83		
		Number	Percent of Total	Number	Percent of Total	Number	Percent of Total	
	Race	718	30.3	782	31.5	869	27.58	
	Color	-0-	-0-	1	-0-	1	-0-	
	National Origin/Ancestry	187	7.9	161	6.4	284	9	
*	Sex	305	12.8	289	11.65	433	13.74	
	Retaliation	65	2.7	80	.3	115	3.65	
	Physical Handicap	331	13.9	239	10	342	10.85	
	Mental Handicap	19	-0-	19	-0-	36	1.14	
	Military Discharge	-0-	-0-	-0-	-0-	-0-	-0-	
	Age	109	4.6	176	7	384	12.19	
	Marital Status	3	-0-	3	-0-	18	.57	
	Arrest/Conviction Record	-0-	-0-	2	-0-	8	.25	
	Coercion/Interference	-0-	-0-	-0-	-0-	-0-	~ -O-	
	Religion	9	-0-	13	-0-	15	.47	
	Other	10	-0-	8	-0-	39	1.23	
	Multiple	605	25.5	707	28.5	606	19.13	
	TOTALS:	2,36	37	2,48	30	3,1		

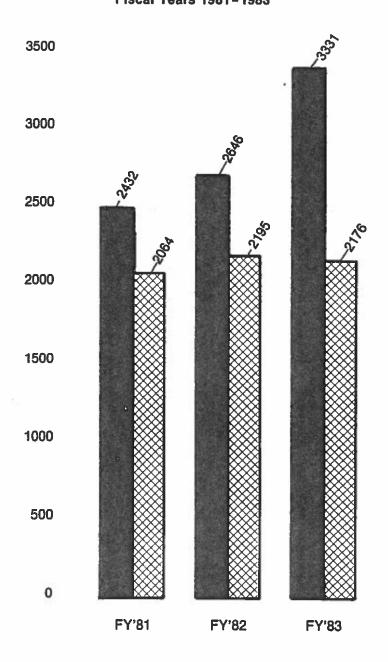
XIV. HOUSING, FINANCIAL CREDIT AND PUBLIC ACCOMMODATIONS BASIS OF CHARGE AND TYPE OF DISCRIMINATORY ACT ALLEGED FISCAL YEAR 1983

		Housing			Public Accommodations			Financial Credit						
	Sale, Rental, Lease	Terms	Offer	Representations	Other	TOTAL	Denial of Services	Modification of Services	Public Officials	Enjoyment of Facilities	ТОТАL	Lending Standard	TOTAL	CUMULATIVE TOTAL
Race	83	4				87	21	1			22	4	4	113
Color														
Religion							1	1			2			2
National Origin/Ancestry	9					9	4	1			5			14
Age	2					2								2
Sex	3					3								3
Marital Status	3					3								3
Physical Handicap	15			_	-	15	9	3			12			27
Mental Handicap	2					2		1			1		7	3
Retaliation														
Exclusion of Children	61	2				63								63
Total	178	6				184	35	7			42	4	4	230

XV. CHARGES DOCKETED BY AREA OF JURISDICTION FY'81 — FY'83

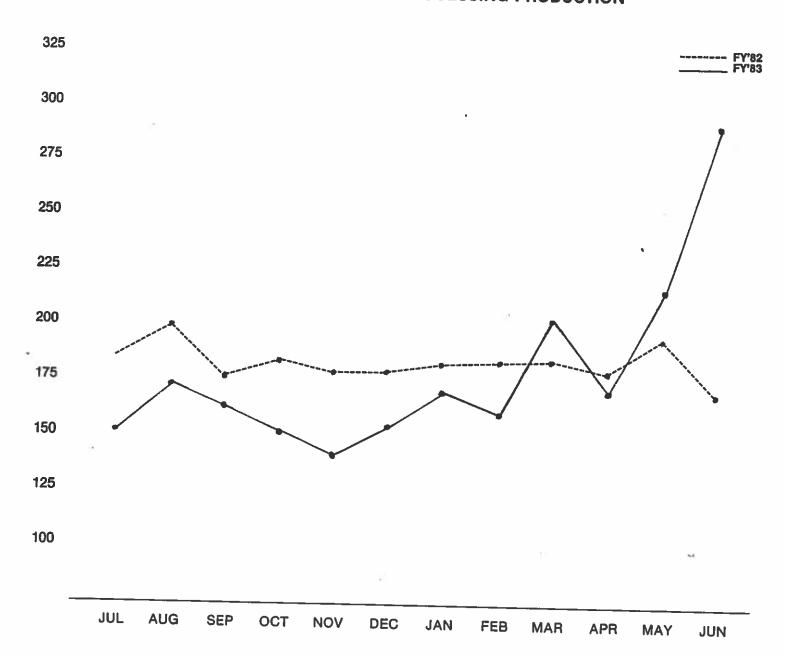
	<u>F</u>	<u>FY'81</u>		Y'82	<u>FY'83</u>	
Employment	2,367	97.2%	2,480	93.7%	3,050	92.9%
Housing	39	1.6%	117	4.4%	184	5.6%
Financial Credit	3	.3%	1	~~	4	.1%
Public Accommodations	24	9%	48	2.8%	42	<u>1.3%</u>
TOTALS	2,433		2,646		3,280	

XVI. CHARGES FILED AND INVESTIGATIONS COMPLETED
Fiscal Years 1981-1983





XVII. MONTHLY CHARGE PROCESSING PRODUCTION



COMPLIANCE DIVISION

The Compliance Division monitors State agencies, boards, commissions, colleges and universities, and Illinois public contractors to ensure their compliance with their legal obligations as equal employment employers. Through this division, the Department exercises its authority to initiate charges of discrimination that come under its jurisdiction. The Division has four special function units:

Reviews and monitors the equal employment opportunity and affirmative action Public Contracts

posture of private firms contracting with State and local government.

Reviews the affirmative action plans of State executive agencies and assists Liaison Unita State agency equal employment opportunity/affirmative action personnel in com-

plying with the Illinois Human Rights Act and Section 504 of the Federal 1973

Rehabilitation Act.

Investigates charges of discriminatory patterns and practices that appear to be Systemic Unit

systemic in nature.

Provides equal employment opportunity and affirmative action training to Stafe Training Unit

agency supervisors and managers, and in-service training and development to

Department staff.

The Division also houses and administers the Department's Affirmative Recruitment Program, a service that assists minorities, women, and the handicapped seeking employment in State government, and aids State agencies in meeting their affirmative action goals. The program is funded by the Illinois Department of Commerce and Community Affairs through the Governor's Special Grant Program.

During FY'83, the Compliance Division focused upon four major areas of concern:

Expanding the effectiveness of the Systemic Investigations Unit: a full-time supervisor was hired and the Systemic investigative staff was increased by 331/3 percent. This resulted in a dramatic increase in investigation activities and better monitoring of the quality of the investigations completed.

Expanding the role of the Public Contracts, State Agency Liaison Units and the Department of Human Rights Handicap Program Coordinator: The expansion included pre-investigation of discrimination charges filed against public contractors and state agencies and charges alleging discrimination based on handicap. The pre-investigation process focused upon negotiating settlements when possible.

Target focusing of the EEO/AA monitoring and review: targeted were public contractors actually holding current contracts with the State of Illinois.

Expanding in-house staff orientation and development training: A comprehensive two-week intensive training program for new investigators was developed and implemented. Additionally, a coordinated program of training was instituted that provided all staff with opportunities to sharpen and increase their job skills and knowledge.

Illinois Affirmative Recruitment Program (IARP)

The Illinois Affirmative Recruitment Program was established in October 1980 to aid state agencies in meeting their affirmative action goals and to assist minorities, women, and the handicapped in finding employment in State government. It is also an effort to adequately disseminate knowledge of job vacancies to protected class members in a systematic manner.

The IARP utilizes a broad coalition of recruitment resources for state agencies and community based organizations to assure appropriate support and direction in conducting the program. The program provides several services to applicants including the following:

- job counseling
- a job bank
- applicant skills bank
- · referral services
- tracking system
- job developer orientation program
- · employment networks
- vacancy information
- applicant orientation
- assessment and test preparation

In fiscal year 1983, the IARP directly placed 264 clients and the number of indirect placements was substantial.

The program has far exceeded its initial expectations, building a reputation that has brought it to the attention of private sector employers, many of whom have requested recruitment assistance from the program.

Since its inception in October 1980, the IARP, through June 30, 1983, has directly placed 365 women, minorities, and handicapped persons in both state government and private sector employment.

XVIII. ILLINOIS AFFIRMATIVE RECRUITMENT PROGRAM PLACEMENTS

JULY 1, 1982 TO JUNE 30, 1983

DIRECT PLACEMENTS

_	White	Black	Hispanic	Handicapped	Total
Females Males	7	14 22	36 <u>35</u>	(2) (1)	57 _58
	8	36	71	(3) ^a	115

XIX. IARP PLACEMENT BY EEO CATEGORY

Illinois Affirmative Recruitment Program placements were made in the following EEO categories by position, title, race, sex and handicap for fiscal year 1983. Sixty-seven per cent of all placements were Hispanic: most of the job orders received during this period specified bilingual ability requirements.

EEO CATEGORY	MALE	FEMALE			
91	White Black Hispanic Handicapped	White Black Hispanic Handicapped			
Officials/Managers Professionals Technicians Protective Services Para-Professionals Office/Clericals Skilled Craft	3 ^b 1 7 12 (1) ^a 1 9 16 5 2	5 7 24 (1) 56 2 3 2 2 2 28 2 5 14 1 1 6			
Service Maintenance	2	3			

XX. FY'83 ADDITIONS TO IARP SKILLS BANK

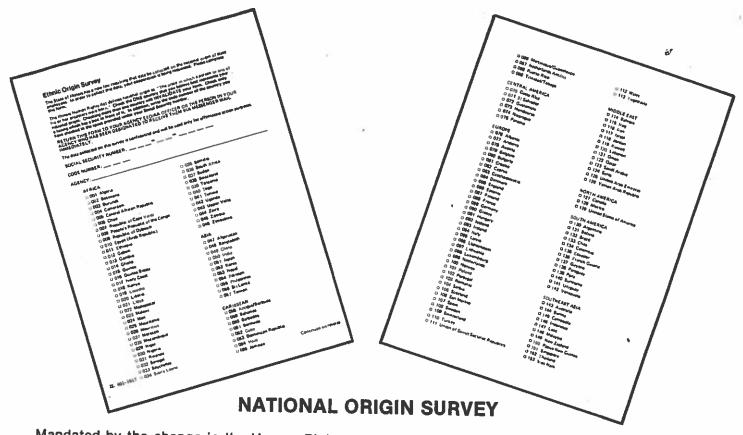
Skills Bank: 926 individuals^C were added to the lilinois Affirmative Recruitment Program skills bank in FY'83. By Race and Sex they are as follows:

	White	Black	Hispanic	Asian	American Indian	Handicapped	Total
Female	150	201	124	7	1	(11)	483
Male	<u>55</u>	<u>163</u>	<u>215</u>	9_	1	<u>(10)</u>	443
Total	205	364	339	16	2	(21)a	926

a) All figures for the handicapped are recorded in parentheses and not included in the total, having already been counted by race.

b) Exempt positions.

c) All individuals have a complete application package on file and received one or more of the following services: counseling, assessment, candidate preparation, outplacement services (due to layoff), referral or placement services.



Mandated by the change in the Human Rights Act which added (subject to certain Department criteria) national origin minorities to the State's affirmative action categories, the Department undertook a survey of the national origin of all executive agency employees in coded and non-coded agencies. The survey was conducted between December 1982 and February 1983. Approximately 61,000 survey forms were distributed by the Department of Central Management Services which also tabulated the results. Responses to the survey were voluntary in keeping with the policy of all data requested and collected for affirmative action purposes.

The response rate was 37.9 percent. Among the survey's major findings:

- Over 70 percent of employees responding identified their national origin to be that of the United States of America;
- Of the 37.9 percent responding, the following countries were the ones most frequently identified as the place of national origin after the U.S.A.

Country of National Origin	Percent of Total Responses	Actual Responses
Germany	13.6%	3,151
Ireland	6.3%	1,475
England Italy	5.0%	1,200
Poland	3.8%	800
1 Olarid	2.6%	615

New State employees are asked to complete the national origin survey at the time of hire, thereby keeping the data current.

XXI. STATE AGENCY AFFIRMATIVE ACTION

Section 2–105(B) of the Illinois Human Rights requires State executive agencies to comply with the Depa ment's rules and regulations governing equal employment opportunity and affirmative action and to impleme affirmative action plans consistent with the Act and the Rules.

State Executive Agency	Submitted Action Pla		Affirmative Action Plan Approved By Department	
	YES	NO	YES	NO
1. Administrative Services, Department of	x	<u> </u>	Х	
2. Aging, Department on	x		x	
3. Agriculture, Department of	X		X	
4. Arts Council	X		X	
5. Attorney General, Office of the (elected offi			X	
6. Banks and Trust	X			X
7. Bureau of the Budget		X		
8. Bureau of Employment Security 1	X			
9. Capital Development Board			X	
10. Children and Family Services, Department	of X	60	X	
11. Civil Service Commission	X		X	
12. Commerce Commission	×		X	
13. Commerce and Community Affairs, Departm	nent of X		X	
14. Comptroller, (elected official) Office of	X			X
15. Conservation, Department of	X		X	
16. Corrections, Department of	X		X	
17. Dangerous Drugs Commission	X		X	
18. State Board of Education	X		X	
19. Educational Facilities Authority				
20. State Board of Elections	X		X	
21. Emergency Services and Disaster Agency	X		X	 -
22. Illinois Environmental Facilities Fin. Author		X		
23. Environmental Protection Agency	X		X	
24. Financial Institutions, Department of	X		X	
25. Guardianship and Advocacy Commission	X		X	
26. Health Facilities Authority (abolished)				
27. Health Finance Commission (abolished)				
28. Higher Education, Board of	X		X	
29. Historical Library	X		X	
30. Housing Development Authority	X		X	
31. Human Rights, Department of	×		X	
32. Human Rights Commission, Illinois	X		X	
33. Industrial Commission	X		X	
34. Insurance, Department of	×		Х	
35. Labor, Department of	X		<u>X</u>	
36. Law Enforcement, Department of	X		Х	
37. Law Enforcement Officers Training Board	×			
38. Liquor Control Commission	X		X	
39. Medical Center Commission		X	X	
40. Mental Health and Dev. Dis., Department of	f X			

41. Military and Naval, Department of 42. Mines and Minerals, Department of 43. Natural Resources, Institute of 44. Nuclear Safety, Department of 45. Personnel, Department of 2	X X X		X X X	i.
46. Pollution Control Board 47. Public Aid, Department of 48. Public Health, Department of 49. Racing Board 50. Registration and Education, Department of	X X X X	Х		
51. Rehabilitation Services, Department of 52. Revenue, Department of 53. Savings and Loan Commission 54. Secretary of State (elected official) 55. State Scholarship Commission	X X X X		X X X	x
56. State Employees Retirement System 57. State Fire Marshal, Office of 58. State Toll Highway Authority, Illinois 59. Teachers Retirement System 60. Transportation, Department of 61. Treasurer, State of Illinois (elected official) 62. Veterans Affairs, Department of	X X X X X	(X X X X	=
LEGISLATIVE AGENCY 1. Auditor General, Office of the	×		X	

A bureau within the Illinois Department of Labor, monitored separate because of its size and adminis-trative organization.
 Merged to form the Department of Central Management Services

SIGNIFICANT COURT DECISIONS

During fiscal year 1983, the following court decisions were rendered which significantly impact Department activities:

A. Statutory Time Limits. In two cases, the Illinois Appellate Court has continued to hold that the mere lapse of time constraints governing the processing of properly-filed charges cannot divest the Department of its power to rule. Sauers v. City of Woodstock, 113 III. App.3d 892, 446 N.E.2d 896 (1983); McClandon v. Bell & Howell Schools, 112 III. App. 3d 367, 445 N.E. 2d 362 (1983). In McClandon, both the Illinois Supreme Court and the United State Supreme Court declined to accept the employer's appeal from the Appellate Court's ruling.

These decisions relied on Logan v. Zimmerman Brush Co., 455 U.S. 422, 102 S. Ct. 1148 (1982), which held that a complainant's constitutionally protected interest in a discrimination claim may not be voided by mere delay in the investigation or processing of that claim. The Illinois appellate courts have interpreted Logan as overruling earlier Illinois decisions which suggested that the lapse of administrative time limits barred the deter-

mination of such claims.

B. investigation Procedures. The statutory procedure whereby a complainant obtains review by the Human Rights Commision of the Department's dismissal of a discrimination charge is constitutional, even though the party accused of the discrimination is excluded from participation in that review. This was the holding in Board of Governors v. Human Rights Commission, 109 III. App.3d 946, 441 N.E.2d 391 (1982). The court held that the review process is essentially an extension of the Department's investigation, a stage at which the accused party does not acquire due process rights to participate as in a hearing. If the investigation satisfies the Department or the Commission that there is sufficient evidence of a violation, no sanctions are imposed against the accused party until after a de novo hearing with full due process protections.

The same approach is followed in an accused party's appeal from an order of default entered by the Department; the complainant is excluded from participation in that appeal. Presumably, the same analysis would apply

to yield the conclusion that the complainant's due process rights are not offended by this exclusion.

C. Election of Remedies. Many of the discrimination claims cognizable under the Human Rights Act are also covered under various federal equal opportunity statutes. The federal laws generally favor a prior resort to state remedies in an attempt to resolve such disputes. Until recently, it was thought that a complainant could take full advantage of available state remedies in such cases without in any way prejudicing his rights to a later adjudication under federal law.

In Kremer v. Chemical Construction Corp., 456 U.S. 461, 102 S. Ct. 1883 (1982), however, the United States Supreme Court has revised that assumption. Kremer establishes that a state judicial determination, which is final and binding as a matter of state law, will preclude a later relitigation of the issues in federal court. The Kremer doctrine does not apply, apparently, to a final decision by the Department or the Human Rights Commission, but will apply to a final court ruling on an appeal from the Department or Commission. It may also apply to state court judgments on appeal from civil service or merit board decisions where discrimination is a potential issue. See, Lee v. City of Peoria, 684 F.2d 196 (7th Cir. 1982).

AMENDMENTS TO THE HUMAN RIGHTS ACT

- A. Sexual Harassment. Two amendments to the Human Rights Act In the General Assembly's 1983 session are designed to combat sexual harassment of employees and students. One bill, P.A. 83–89, defines sexual harassment in employment and clarifies that the Act requires employers to take measures to prevent and remedy such behavior. The second bill, P.A. 83–91, enacts comprehensive provisions protecting students and applicants at higher education institutions, including advanced vocational schools, against similar practices. Both bills are effective January 1, 1984.
- B. Disabled Persons. Another bill, P.A. 83–93, clarifies that handicapped individuals relying upon support dogs are entitled to protection against discrimination under the Act, including against arbitrary exclusion from rental housing accommodations. Such provisions were already explicit in the Act for vision- and hearing-impaired persons. P.A. 83–93 is effective January 1, 1984.
- C. Agricultural Laborers. P.A. 83-622, also effective January 1, 1984, deletes from the Act its exemption denying agricultural laborers the protections against unlawful discrimination in employment.
- D. Ethnicity Data and Local Ordinances. Another bill, P.A. 83–648, made two alterations in the Human Rights Act.

In the Act's provisions for equal employment opportunity and affirmative action by State agencies, the bill requires that data be collected and recorded so as to specifically consider Hispanics in addition to blacks, women and the handicapped. This amendment simply codifies what has been the Department's practice.

The same bill amends the Act's provisions authorizing local governments to adopt nondiscrimination ordinances. The amendment makes clear that such ordinances may go beyond the Human Rights Act in the categories of discrimination they prohibit. This amendment effectively overrules the contrary decision in *Hutchcraft Van Services, Inc., v. City of Urbana,* 104 III. App.3d 817, 433 N.E.2d 329 (1982). Both portions of P.A. 83–648 were effective when signed by the Governor on September 23, 1983.

DEPARTMENT RULE AMENDMENTS

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- A. Interpretive Rules on Handicap Discrimination in Employment. Effective September 15, 1982, the Department, acting jointly with the Human Rights Commission, adopted final rules interpreting the provisions of the Human Rights Act which forbid discrimination in employment against handicapped persons. The rules attempt to clarify the sorts of conditions which constitute "handicaps" within the meaning of the statute, and the nature of the employee's and employer's obligations in effectuating the statute's objectives. These rules are codified at 56 III. Adm. Code 2500.
- B. Discrimination in Employment Based on Unfavorable Milifary Discharge. Effective April 7, 1983, the Department finalized regulations clarifying the Human Rights Act's provisions on employment discrimination against persons with unfavorable military discharges. The Act prohibits such discrimination, except (1) where an individual's discharge is "Dishonorable", or (2) when the employment in question involves the exercise of fiduciary responsibilities. The Department's regulations are designed to aid employers in differentiating between "Dishonorable" and other less-than-honorable discharges, and to spell out the characteristics which vest a position with "fiduciary responsibilities" within the meaning of the exemption. They are codified at 56 III. Adm. Code 2510.
- C. Access to Department Files and Records. The Department made minor revisions of its regulations governing access by the public and parties to Department records, both streamlining and relaxing them slightly. These revisions, affecting the Department's procedural Rule 2.2, were adopted in final form as of July 1, 1983. Among other things, the revisions allow the Department to publicly acknowledge pending charges (while detailed information continues to remain confidential), define the boundaries of privileges against disclosure, clarify application of the federal Freedom of Information Act to Department materials in the hands of federal agencies, and allow the Department to make and furnish copies of documents which are publicly accessible.
- D. Discrimination in Access to Financial Credit. On November 19, 1982, the Department published proposed rules delineating certain statutory exceptions to the prohibition against discrimination by financial institutions and credit card offerors in their extensions of financial credit. The Human Rights Act establishes exceptions for (1) inquiries by such lenders into "pertinent elements of creditworthiness", (2) their use of empirically derived credit systems, and (3) their establishment of "special purpose" credit programs. The Act charges the Department with responsibility to clarify these exemptions in regulations. These Department's regulations were finalized effective August 15, 1983. See 7 Illinois Register 9882 (8/19/83).
- E. Interpretive Rules on Sex and Marital Status Discrimination in Employment. On February 18, 1983, the Department and Commission published proposed rules interpreting the Act's proscriptions against sex discrimination and against marital status discrimination, as applied to a number of employment contexts. A public hearing on the proposals was conducted in Chicago on March 22, 1983. Further action on the proposed rules was deferred pending action upon several items of related legislation in the General Assembly during the Spring of 1983. As of the end of fiscal year 1983, final action had not been taken on these interpretive regulations.

PUBLIC INFORMATION

The Department seeks to ensure that all of the State's eleven million citizens are informed of their legal protections from discrimination. In order to spread the message of its functions and programs, the Department carries out a public information program based on direct citizen contact.

Utilizing a speakers bureau, radio and television guest and news appearances, newspaper and other print interviews, and printed material, the Department provides up-to-date information on the Human Rights Act and other timely civil rights issues.

This is done in the belief that knowledge about legal protections and compliance responsibilities will reduce the likelihood of unwarranted and preventable charges of discrimination being filed with the Department.

In Fiscal Year 1983, the Director and staff made 45 radio, television and newspaper appearances and interviews and over 100 speaking appearances throughout Illinois.

PARTIAL LISTING OF ORGANIZATIONS PROVIDED SERVICE THROUGH THE DEPARTMENT'S SPEAKERS BUREAU FISCAL YEAR 1983

Governor's Student Intern Program **Epilepsy Services of Chicago** Illinois Affirmative Action Officers Association Illinois Department of Law Enforcement Lincoln Land Epilepsy Association Illinois Commission on the Status of Women Sangamon State University City of Peoria Equal Employment Opportunity Office Illinols State Chamber of Commerce Elgin Human Relations Commission P.L.U.S. Inc of Elgin Balzekas Museum of Lithuanian Culture Operation A.B.L.E. Office of the Attorney General, Senior Action Agency Public Risk and Insurance Management Association of Chicago First Baptist Church of Chicago Equal Employment Advisory Council of Chicago Temple Menorah Illinois Municipal Association of Human Relations Organizations University of Illinois YMCA Cairo Human Rights Council NAACP, Chicago Chapter Illinois Association of Nutrition Project Directors University of Illinois, Department of Leisure Studies Oak Park-River Forest High School Bloomington Human Relations Commission Austin High School, Chicago Illinois Department of Commerce and Community Affairs Tilden High School, Chicago Jewish Vocational Service Printing Industry of Illinois Association Blacks in Government

Southern Illinois Regional Human Rights Council Quinn Chapel AME Church Hazel Crest/Country Club Hills Human Relations Commission Robeson High School, Chicago Clemente High School, Chicago Women in Architecture Chicago Bar Association, Health and Hospital Law Committee Jacksonville Coalition Horace Mann Life Insurance Company South Shore High School, Chicago The Mark Martensen Foundation International Association of Personnel Women Rehabilitation Institute, Social Work Department Society of Women Engineers Bowen High School, Chicago Illinois Association of Blind Teachers Affirmative Action Associates Academic Olympics, Chicago Board of Education Harrison High School, Chicago Wilson-Jones Company Illinois Federation for the Blind Illinois Housing Development Authority Leadership Council Revolving Fund Attorneys Chicago Bar Association, Women's Law Committee University of Illinois, Principals Scholar Program ERA/Illinois Pleasant Grove Baptist Church Triton College Leadership Council for Metropolitan Open Communities National Institute for Employment Equity Gannon/Proctor Commission U.S. Equal Employment Opportunity Commission National Neighbors Conference

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The Illinois Human Rights Act (as amended) Rules and Regulations of the Illinois Department of Human Rights Human Rights Reports (Quarterly newsletter) Department of Human Rights Annual Report (Fiscal Year 1981, 1982, 1983) "A Guide to the Illinois Human Rights Act (English and Spanish) . Interpretative Rules on Handicap Discrimination in Employment "Your Rights As a Handicapped Person" **Employer Information Sheets on Handicap Discrimination** Form 100 Who is Handicapped? Form 101 Interviewing A Handicapped Job Applicant Form 102 Evaluating Handlcapped Applicants and Employees Form 103 Reasonable Accommodations Form 105 Physical/Psychiatric Examinations "Discrimination in Housing is Prohibited By Illinois Law" Fair Housing Ordinances: A Guide for Local Officials

[&]quot;Sexual Harassment is Bad Business"